

HOUSE BILL No. 1797

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-31.5.

Synopsis: Academic achievement. Requires the department of education to establish and administer an academic achievement assistance program. Requires the assessment of students in the early grades and the development of an academic achievement progress report for each student assessed. Provides for the establishment of an academic achievement progress plan for each student who does not meet certain educational standards. Requires each school to revise its strategic and continuous school improvement and achievement plan and to implement an academic progress assistance plan that sets new goals and establishes new programs for the school. Makes other provisions to improve academic achievement and establish educational responsibilities for students in prekindergarten through grade 12.

Effective: July 1, 2007.

Porter

January 26, 2007, read first time and referred to Committee on Education.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1797

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 31.5. ACADEMIC ACHIEVEMENT

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Academic standards progress report" refers to a report prepared by a school concerning a student that sets forth the following:

- (1) The student's most recent testing results, including indications or scores by content standard, if applicable.**
- (2) The student's grades, if applicable.**
- (3) The student's attendance record.**
- (4) The student's disciplinary record, including suspensions and expulsions.**

Sec. 3. "Assessment" refers to one (1) of the following tests,

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depending upon the context in which the term is used:

(1) For a student in prekindergarten, a school readiness test approved by the department.

(2) For a student in kindergarten, an early literacy test approved by the department.

(3) For a student in grade 1 or 2, a reading diagnostic test approved by the department.

(4) For a student in grade 3, 4, 5, 6, 7, 8, or 10, a test developed under IC 20-32-5.

Sec. 4. "Committee" refers to a school's strategic and continuous school improvement and achievement committee described in IC 20-31-2-4.

Sec. 5. "Plan" refers to an academic achievement progress plan developed under IC 20-31.5-3.

Sec. 6. "Program" refers to the academic achievement assistance program established under IC 20-31.5-3-1.

Sec. 7. "School" means:

(1) a school maintained by a school corporation; or

(2) a charter school.

Sec. 8. "Transition grade" means a placement for a student who has completed an academic year in a grade level but has not met the academic standards for advancement to the next grade level.

Chapter 2. Testing and Reports

Sec. 1. (a) This section applies to a student in:

(1) prekindergarten;

(2) kindergarten;

(3) grade 1 or 2; or

(4) a transition grade between two (2) of the grades set forth in subdivisions (2) through (3).

(b) Not later than September 30 of each year, a student to whom this section applies shall be administered an assessment that the department determines is appropriate for the grade in which the student is placed.

(c) Based upon the results of an assessment administered under subsection (b), a school must develop an academic standards progress report for each student. An academic standards progress report under this subsection must include, in language that can be understood by the student's parent, the following:

(1) For a student in prekindergarten, an explanation of the student's school readiness.

(2) For a student in kindergarten, grade 1, grade 2, or a transition grade, an indication by content standard of whether

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the student has mastered or not mastered each content standard.

(d) The principal of a school shall make a reasonable effort to ensure that the parent of each student receives the student's academic standards progress report within ten (10) days after the school receives the student's results for a test administered under subsection (b).

(e) A parent shall acknowledge the receipt of an academic standards progress report delivered under this section within five (5) days after receiving the report.

Sec. 2. (a) This section applies to a student in grades 3 through 8 or grade 10.

(b) Not later than September 20 of each year, a student to whom this section applies shall be administered an appropriate assessment.

(c) Based upon the results of an assessment administered under subsection (b) that are provided to a school, the school must develop an academic standards progress report for each student. An academic standards progress report under this subsection must include, in language that can be understood by the student's parent, the following:

(1) An indication of whether the student has achieved a passing score on the assessment.

(2) An indication of the scale score difference between the student's score on the assessment and the performance standard score for the assessment.

(3) An indication by content standard of:

(A) whether the student has achieved a passing score for each content standard; and

(B) the proportion of test items relating to each content standard that the student completed correctly.

(d) The principal of a school shall make a reasonable effort to ensure that the parent of each student receives the student's academic standards progress report within ten (10) days after the school receives the student's results for a test administered under subsection (b).

(e) A parent shall acknowledge the receipt of an academic standards progress report delivered under this section within five (5) days after receiving the report.

Sec. 3. If a parent provides a school with an electronic mail address to receive and acknowledge receipt of academic standards progress reports under this chapter, the school must treat the

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electronic mail address as confidential information.

Sec. 4. Not later than December 1 of each year, a teacher shall receive:

(1) the academic standards progress report for the previous academic school year for each student the teacher teaches; and

(2) an aggregate report that includes the following information concerning the students the teacher teaches:

(A) The students who achieved a passing score on an assessment administered under section 1 or 2 of this chapter by less than twenty-five hundredths (0.25) standard deviation from the passing score.

(B) The students who did not achieve a passing score on an assessment administered under section 1 or 2 of this chapter.

(C) By grade level and student, the scale score difference between the student's score on an assessment administered under section 1 or 2 of this chapter and the performance standard score.

(D) By grade level and student, the proportion of assessment items related to each content standard on which the student achieved a passing score on an assessment administered under section 1 or 2 of this chapter or the proportion of total points the student received on each assessment item.

Sec. 5. A school's committee must receive an annual report of the school's readiness, early literacy, or reading diagnostic aggregate mastery rates from assessments administered under section 1 of this chapter and the aggregate assessment results from assessments administered under section 2 of this chapter, as applicable, for each subgroup identified within the school. Subgroups for which results must be reported under this section include the following:

(1) Each grade level.

(2) The racial and ethnic groups within the school, as identified by the department.

(3) Students who are eligible to receive free or reduced price lunches.

(4) Students who are designated as English language learners.

(5) Students who are receiving special education services.

Sec. 6. (a) The parent of a student who withdraws from school shall receive a copy of the most recent of the academic standards

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progress report for the student.

(b) A school shall transmit a copy of a student's most recent academic standards progress report to another public school if a student who has withdrawn enrolls in another public school.

(c) A student academic standards progress report may be maintained and transmitted electronically.

(d) A student academic standards progress report:

(1) shall be treated as confidential; and

(2) may be viewed only by the student's parents and the certificated employees of the school in which the student is enrolled.

Chapter 3. The Academic Achievement Assistance Program

Sec. 1. (a) The academic achievement assistance program is established to provide supplemental instructional activities to improve students' progress toward proficiency in academic standards.

(b) The program must be based on the best available research and practice.

Sec. 2. (a) The parent of a student who:

(1) does not demonstrate mastery of school readiness or reading through an assessment administered under IC 20-31.5-2-1; or

(2) either:

(A) does not achieve a passing score; or

(B) achieves a passing score by less than twenty-five hundredths (0.25) standard deviation from the passing score;

on an assessment administered under IC 20-31.5-2-2;

must receive an academic standards progress plan for the student that sets forth strategies and recommendations to improve the student's progress toward proficiency in the academic areas tested.

(b) A student for whom a plan is developed under subsection (a) and:

(1) who is described in subsection (a)(1) or (a)(2)(A) shall; and

(2) who is described in subsection (a)(2)(B) may;

participate in the program.

(c) Any student enrolled in the school may participate in the program.

Sec. 3. (a) The parent of a student for whom a plan is developed may elect to not have the student participate in the program.

(b) A student's lack of participation in the program may be used as a reason to retain the student in the student's current grade

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level.

Sec. 4. For a student who is described in section 2(a)(2) of this chapter, a student's plan, in addition to other activities, may include the following:

(1) Additional homework.

(2) Tutoring.

(3) For a student in grade 9, 10, 11, or 12, activities that will assist the student in:

(A) carrying out the student's career plan under IC 20-30-4; and

(B) completing the courses necessary to complete the core 40 curriculum, the college preparation curriculum, the technology preparation curriculum, or the academic honors diploma curriculum.

Sec. 5. The following apply to tutoring and instruction under a student plan:

(1) A student may not be excused or released from a regular class in a subject area tested under IC 20-32-5 to participate in plan activities.

(2) A student with a plan may not be grouped for regular instruction in a subject area tested under IC 20-32-5 with only other students who have plans.

(3) Tutoring may occur during the regular instructional day, before or after school, or on days on which school is not in session.

(4) Tutoring may not replace regular classes in a subject area tested under IC 20-32-5.

(5) Tutoring in reading must be provided by a teacher certified in reading.

(6) Tutoring in a subject area tested under IC 20-32-5 must be provided by a teacher certified in the subject area.

(7) Summer school classes in a subject area tested under IC 20-32-5 must be provided by a teacher certified in the subject matter.

Sec. 6. A student may be released from the program if the student demonstrates proficiency in the subject areas for which a plan was developed for the student.

Chapter 4. The Academic Progress Assistance Plan

Sec. 1. This chapter applies to a school that has been placed in the lowest category for school improvement and performance by the department, including schools with students who do not:

(1) demonstrate mastery of school readiness, early literacy, or

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reading standards under IC 20-31.5-2-1; or

(2) achieve passing scores on assessments under IC 20-31.5-2-2.

Sec. 2. An academic progress assistance plan may be implemented for a school to which this chapter applies.

Sec. 3. To implement an academic progress assistance plan, a school's committee must:

(1) revise the school's strategic and continuous school improvement and achievement plan under this chapter;

(2) specify that it is a goal of the school to become a commendable school under rules adopted by the state board; and

(3) make an application to the department.

Sec. 4. For a school that includes kindergarten and grades 1 and 2, the school's strategic and continuous school improvement and achievement plan must be revised to include the following:

(1) A prekindergarten program for students who are at least four (4) years of age on August 1 that:

(A) may be conducted in partnership with or by incorporating a Head Start program;

(B) complies with standards adopted by the state board for child/teacher ratios, curriculum, instruction, and facilities; and

(C) is taught by teachers certified under standards adopted by the professional standards board.

(2) An optional full-day kindergarten program for students who are at least five (5) years of age on August 1.

(3) A transition grade program of not more than one (1) school year between kindergarten and grade 1.

(4) A supplemental reading and writing program that includes the following:

(A) For every twenty-five (25) students in a school who have not passed the English/language arts subject area on the ISTEP program test, one (1) reading instructional specialist who:

(i) is a teacher certified in reading instruction for the ages and grade levels included in the school; and

(ii) provides supplemental instruction that includes the explicit teaching of word identification skills, including phonics and phonemic awareness, and a wide range of comprehension competencies.

(B) A schoolwide reading and writing program that

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provides instruction and support for all students to develop the skills, knowledge, and abilities to:

- (i) understand how phonemes are connected to words;
- (ii) decode words;
- (iii) spell correctly;
- (iv) acquire a broad vocabulary;
- (v) read fluently;
- (vi) construct meaning from text;
- (vii) comprehend text; and
- (viii) write proficiently.

(C) A family literacy program in which the parents of students in the school receive information and support about literacy activities that can be practiced at home to support the development of reading skills.

(5) Subject to both IC 20-26-5 and IC 20-29, an increase of fifty percent (50%) in the minimum instructional time required by IC 20-30-2-2 to provide supplemental instructional time during the school year, including additional partial or full school days.

(6) Subject to IC 20-29, professional development activities under IC 20-20-30 that provide the equivalent of ten (10) instructional days for all teachers in the school that focus on the specific curriculum and instructional strategies implemented by the school. Activities conducted under this subdivision must provide for the school's certificated employees to continuously review and improve the school's curriculum and instruction.

Sec. 5. For a school that includes grades 3 through 8, or any combination of those grades, the school's strategic and continuous school improvement plan must be revised to include a supplemental reading and writing program that includes the following:

- (1) A reading instructional specialist who:
 - (A) is a teacher certified in reading instruction for the ages and grade levels included in the school; and
 - (B) provides supplemental instruction that includes the explicit teaching of word identification skills, including phonics and phonemic awareness, and a wide range of comprehension competencies.
- (2) A school wide reading and writing program.
- (3) A family literacy program in which the parents of students in the school receive information and support about literacy

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- 1 activities that can be practiced at home to support the
- 2 development of reading skills.

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